



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Eisermann, et al.

Serial No.: 10/774,135

Filed: February 6, 2004

For: ARTICULAR DISC PROSTHESIS AND  
METHOD FOR TREATING  
SPONDYLOLISTHESIS

§  
§ Group Art Unit: 3738  
§  
§  
§ Examiner: Unknown  
§  
§  
§

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, copies of only the foreign patent documents and non-patent literature listed on the enclosed modified Form PTO-1449 are attached.

This Information Disclosure Statement is being filed within three months of the United States filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

David M. O'Dell

Registration No. 42,044

Date: 8-4-04  
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**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8-6-04

Bonnie Boyle  
Printed Name

Bonnie Boyle  
Signature

In place of PTO-1449 Form		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  AUG 09 2004 <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		<i>Complete if Known</i>	
				Application Number	10/774,135
				Filing Date	February 6, 2004
				Applicant(s)	Eisermann, et al.
				Art Unit	3738
				Examiner Name	Unknown
				Attorney Docket Number	31132.121
SHEET	1	OF	2		

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	2003/0069586	04/10/2003	Errico, et al.
	A2	2003/0074068	04/17/2003	Errico
	A3	2003/0097134	05/22/2003	Kunzler
	A4	2003/0176923	09/18/2003	Keller, et al.
	A5	2003/0208273	11/06/2003	Eisermann, et al.
	A6	2003/0236571	12/25/2003	Ralph, et al.
	A7	2004/0002759	01/01/2004	Ferree
	A8	2004/0034426	02/19/2004	Errico, et al.
	A9	2004/0034421	02/19/2004	Errico, et al.
	A10	2004/0049279	03/11/2004	Sevrain
	A11	4759766	07/26/1988	Buettner-Janz
	A12	4759769	07/26/1988	Walker, et al.
	A13	4997432	03/05/1991	Keller
	A14	5246458	09/21/1993	Graham
	A15	5258031	11/02/1993	Salib, et al.
	A16	5314477	05/24/1994	Marnay
	A17	5401269	06/20/1995	Buettner-Janz, et al.
	A18	5425773	04/16/1996	Boyd, et al.
	A19	5507816	09/17/1996	Bullivant
	A20	5534029	07/09/1996	Shima
	A21	5556431	09/17/1996	Buettner-Janz, et al.
	A22	5562738	10/08/1996	Boyd, et al.

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
	B1	EP 0 560 140	02/25/1993	Waldemar Link GmbH & Co	N
	B2	EP 0 560 141	02/25/1993	Waldemar Link GmbH & Co	N
	B3	EP 0 747 025	12/11/1996	Smith & Nephews Richards, Inc.	Y
	B4	EP 0 820 740	01/28/1998	Bryan, et al.	Y
	B5	WO 99/00074	01/07/1999	Brid-Port-Gundry PLC	Y
	B6	WO 99/05995	02/11/1999	Gordon, Maya, Roberts & Thomas Number 1 LLC	Y
	B7	WO 99/53871	10/28/1999	Cauthen Research Group, Inc.	Y
	B8	WO 00/42954	07/27/2000	Osteotech, Inc.	Y

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
	C1	Medtronic Sofamor Danek, "MAVERICK Total Disc Replacement", brochure, published 12/2002, pp. 1-6.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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				Art Unit	3738
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SHEET	2	OF	2	Attorney Docket Number	31132.121

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A23	5571109	11/05/1996	Bertagnoli
	A24	5674296	10/07/1997	Bryan, et al.
	A25	5676701	10/14/1997	Yuan, et al.
	A26	5683394	11/04/1997	Rinner
	A27	5683465	11/04/1997	Shinn, et al.
	A28	5755796	05/26/1998	Ibo
	A29	5782832	07/21/1998	Larsen, et al.
	A30	5865846	02/02/1999	Bryan, et al.
	A31	5888226	03/30/1999	Rogozinski
	A32	5895428	04/20/1999	Berry
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	A34	6001130	12/14/1999	Bryan, et al.
	A35	6019792	02/01/2000	Cauthen
	A36	6063121	05/16/2000	Xavier
	A37	6113637	09/05/2000	Gill, et al.
	A38	6146421	11/14/2000	Gordon, et al.
	A39	6224607	05/01/2001	Michelson
	A40	6228118	05/08/2001	Gordon
	A41	6368350	04/09/2002	Erickson, et al.
	A42	6440139	08/27/2002	Michelson
	A43	6517544	02/11/2003	Michelson
	A44	6562045	05/113/2003	Gil, et al.
	A45	6692501	02/17/2004	Michelson

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published

Examiner Signature		Date Considered	
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